

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ROSELYN BRASWELL,
GREGORY JOHNSON, JERRI
JOHNSON,**

Plaintiffs,

V.

BOW PLUMBING GROUP INC.,

Defendant.

Case No.: 2:21-cv-25-ECM

JOINT MOTION TO EXTEND CLASS EXPERT DISCLOSURE DEADLINES

COME NOW the Parties, Plaintiffs Roselyn Braswell, Gregory Johnson, and Jerri Johnson (“Plaintiffs”), and Defendant Bow Plumbing Group Inc. (“Defendant”), and respectfully request a four (4) week extension of Plaintiffs’ class expert witness disclosure deadline and a two (2) week extension of Defendant’s class expert witness disclosure deadline. In support, the Parties state as follows:

1. Under the current Scheduling Order, Plaintiffs' expert witness disclosures on class issues are due May 26, 2023, and Defendant's expert witness disclosures on class issues are due July 14, 2023. (Doc. 56).

2. The Parties have been diligently working together to complete the

investigation, discovery, and testing needed to comply with these deadlines. All Parties have been deposed. The Parties jointly inspected Plaintiffs' and several putative class members' homes during two (2) rounds of inspections in July 2022 and November 2022. During these inspections, the Parties removed cross-linked polyethylene ("PEX") pipe samples from the homes for expert testing.

3. The Parties anticipated that Plaintiffs' expert would destructively test her PEX pipe samples in January 2023. Unfortunately, in early January 2023, Plaintiffs' expert was involved in a serious motor vehicle accident and sustained serious injuries. She was placed on medical leave to recover, and her physicians did not authorize her to return to work until early March 2023.

4. As soon as Plaintiffs' expert was authorized to return to work, the Parties worked together to schedule Plaintiffs' destructive testing. Plaintiffs' expert began her destructive testing on March 20, 2023. This testing lasted several weeks. Bow's experts' destructive testing is scheduled to begin on May 22, 2023.

5. Due to the unfortunate, nearly two (2) month delay in destructive testing that was outside the Parties' control, the Parties need additional time to adequately prepare their respective expert disclosures on class certification issues. Therefore, the Parties jointly request that the Court extend Plaintiffs' class expert disclosure deadline by four (4) weeks (until June 23, 2023) and extend Defendant's

class expert disclosure deadline by two (2) weeks (until July 28, 2023).

6. These brief extensions will allow the Parties to complete the necessary destructive testing before exchanging expert witness disclosures on class issues, and the extensions will not impact any other deadlines in the Court's Scheduling Order.

WHEREFORE, premises considered, the Parties respectfully request a four (4) week extension of Plaintiffs' class expert witness disclosure deadline and a two (2) week extension of Defendant's class expert witness disclosure deadline.

Respectfully submitted this the 19th day of April, 2023.

/s/ Angel A. Croes

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